

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PHILIP CORWIN and LEIGH ANNE CORWIN, )

Plaintiff, )

vs. )

ARMSCOR PRECISION INTERNATIONAL, )  
 et al., )

Defendants. )

Case No. 2:12-cv-00268-JCM-GWF

**ORDER**

Joint Motion for Extension of Time to  
 File Discovery Plan (#24)

This matter comes before the Court on Plaintiffs' Joint Motion for Extension of Time to File Discovery Plan/Scheduling Order and Memorandum in Support (#24), filed on April 4, 2012. The parties request an extension of time to file their discovery plan/scheduling order in light of the pending dispositive motions.

Courts have broad discretionary power to control discovery. *See e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir.1988). Previous published decisions in this district have addressed the standard to be applied in deciding whether to stay discovery pending a decision on a potentially dispositive motion. Ordinarily a pending dispositive motion is not "a situation that in and of itself would warrant a stay of discovery." *See Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 555–6 (D. Nev.1997) (quoting *Twin City Fire Ins. v. Employers Insurance of Wausau*, 124 F.R.D. 652, 653 (D. Nev.1989)). Common examples of situations in which a stay is justified are when jurisdiction, venue, or immunity are preliminary issues. *Id.* Ultimately, the party seeking the stay "carries the heavy burden of making a 'strong showing' why discovery should be denied." *Id.* (citing *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir.1975)).

1 This case was removed on February 20, 2012, based on diversity jurisdiction. (*See* #1.) On  
2 February 27, 2012, Plaintiffs filed a Motion to Remand (#6), arguing that the requirements of  
3 diversity jurisdiction are not satisfied and therefore remand is warranted. Upon consideration,  
4 without expressing a view one way or the other on the merits of the motion, the Court finds that the  
5 preliminary jurisdictional issues raised in Plaintiffs' Motion to Remand (#6) warrant a stay of  
6 discovery. The Court will therefore grant an extension of time to file a discovery plan/scheduling  
7 order pending decision by the district court on Plaintiff's Motion to Remand (#6). Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiffs' Joint Motion for Extension of Time to File  
9 Discovery Plan/Scheduling Order and Memorandum in Support (#24) is **granted**. If Plaintiffs'  
10 Motion to Remand is denied, the parties shall have **fourteen (14) days** after such denial to file their  
11 discovery plan/scheduling order.

12 DATED this 6th day of April, 2012.

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15 GEORGE FOLEY, JR.  
16 United States Magistrate Judge  
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